

Notice of Allowability**Application No.**

09/673,198

Examiner

Tekchand Saidha

Applicant(s)

MIYAKE ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 21 May 2004.
2. ☒ The allowed claim(s) is/are 23-25, 28, 29 and 32-36.
3. ☒ The drawings filed on 12 October 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

NOTICE OF ALLOWABILITY

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on May 28, 2004, the Applicants' representative requested an extension of time for **one** MONTH(S) and authorized the Director to charge Deposit Account No. 06-1205 the required fee of \$*** for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Applicants' amendment after final, filed May 21, 2004 is acknowledged. Claims 1-22, 26-27 & 30-31 have been cancelled.
3. Claims **23-25, 28-29 & 32-36** are currently pending and under consideration.
4. Claims **23-25, 28-29 & 32-36** are allowed subject to the following examiner's amendment.
5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
6. Authorization for this examiner's amendment was given in a telephone interview with Lawrence S. Perry on May 28, 2004.

7. Amend claims as follows :

Claim 23, line 5, delete 'SEQ ID NO : 5 or 30' and replace with 'SEQ ID NO: 30'.

Claim 24, line 5, delete 'SEQ ID NO : 5 or 30' and replace with 'SEQ ID NO: 30'.

Claim 25, line 6, delete 'SEQ ID NO : 5 or 30' and replace with 'SEQ ID NO: 30'.

Claim 28, lines 2-3, delete 'SEQ ID NO : 10 or 31' and replace with 'SEQ ID NO: 31'.

Claim 33, line 4, delete 'SEQ ID NO : 10 or 31' and replace with 'SEQ ID NO: 31'.

Claim 34, line 4, delete 'SEQ ID NO : 10 or 31' and replace with 'SEQ ID NO: 31'.

Claim 35, line 4, delete 'SEQ ID NO : 10 or 31' and replace with 'SEQ ID NO: 31'.

8. The following is an examiner's statement of reasons for allowance:

The patentability of the instant claims is based upon the prior art and the issues addressed through out the prosecution history of this application. Isolated protease peptides and a nucleic acid encoding the same. No prior art of record taken alone or in combination teach(es) the method of integrating the DNA sequence of SEQ ID NO : 31, enabling the production of isoprenoid compounds, nor provide motivation to one of ordinary skill in the art to use the skills available in the area of enzymology/molecular biology, to make the invention obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tekchand Saidha whose telephone number is (571) 272 0940. The examiner can normally be reached on 8.30 am - 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on (571) 272 0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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May 28, 2004